

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

RALPH CARUSONE,	:	Case No. 1:16-cv-742
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
WARDEN, NORTH CENTRAL	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	

**ORDER**

On October 23, 2018, the Court issued an Order and Judgment adopting the United States Magistrate Judge’s Report and Recommendation to dismiss Petitioner Ralph Carusone’s habeas corpus petition, filed pursuant to 28 U.S.C. § 2254, with prejudice. (Doc. 17). Subsequently, Petitioner filed an appeal with the United States Court of Appeals for the Sixth Circuit challenging the Court’s dismissal of his habeas corpus petition. (Doc. 19).

On July 17, 2020, the Sixth Circuit found that “the state court’s rejection of Carusone’s *Brady* claim was an unreasonable application of clearly established Supreme Court precedent.” (Doc. 25 at 9). Thus, the Sixth Circuit reversed the decision to deny the writ of habeas corpus and remanded the matter “with instructions to grant a writ of habeas corpus” related to Petitioner’s murder conviction. (*Id.*).

On July 24, 2020, the parties informed the Court via email that the Hamilton County Prosecutor’s Office did not intend to appeal the Sixth Circuit opinion or ask for

an *en banc* review. Additionally, the parties informed the Court that the Hamilton County Prosecutor's Office and Mr. Carusone have reached a likely resolution of the underlying criminal charges.

On July 27, 2020, the parties jointly moved for an expedited mandate with the Sixth Circuit, which the Sixth Circuit granted. The Sixth Circuit issued the mandate on July 28, 2020. The Sixth Circuit's mandate has been filed on the docket of this Court as well. (Doc. 27).

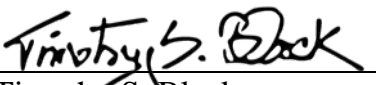
On July 28, 2020, the Court communicated with the parties via email to confirm that a 30-day conditional writ of habeas corpus would afford adequate time for the parties to finalize their resolution of the underlying state charges. On July 29, 2020, the parties notified the Court that a 30-day conditional writ was sufficient.

Based upon the foregoing, and in accordance with the Sixth Circuit's decision and remand order, the Court hereby **ORDERS** as follows:

- (1) The October 23, 2018 Order and Judgment denying Petitioner's petition for a writ of habeas corpus (Doc. 17) is **VACATED**;
- (2) The Petitioner's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 1) is **GRANTED**; and
- (3) Pursuant to the parties' agreement and the Sixth Circuit mandate, the Court hereby **ISSUES** a 30-day conditional writ of habeas corpus.

**IT IS SO ORDERED.**

Date: 7/29/2020

  
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Timothy S. Black  
United States District Judge